

REMARKS

Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, for being incomplete in missing essential steps. The independent claims have been amended to remove the recitation that all ingredients could be omitted. Support for the amended ranges are found in the specification as originally filed and thus are not new matter. These amendments are believed to address the 112 rejection. In addition, claim 24 has been canceled as redundant of its independent claim 12 as amended. Reconsideration and withdrawal of the 112 rejection is respectfully requested.

Claims 20 and 23 were rejected under 112, second paragraph, as being indefinite. They have been amended to recite compositions rather than methods and thus are believed to now be in proper form. Reconsideration and withdrawal of the 112 rejection is respectfully requested.

Claims 2, 3, 6, 8, 11, 13-15, 18-20 and 23 are rejected under 112, second paragraph, as being indefinite. They have been amended to be in proper Markush form by substituting “consisting of” rather than “comprising”. Reconsideration and withdrawal of the 112 rejection is respectfully requested.

Claim 28 is rejected under 112, second paragraph, as being indefinite for being in improper Markush form. Claim 28 has been amended as suggested by the Examiner to put it into proper Markush form. Claim 29 has been added as a claim dependent on claim 28 to add the possibility that the inert gas may be selected from the group consisting of nitrogen and carbon dioxide. Reconsideration and withdrawal of the 112 rejection is respectfully requested.

The spelling of dithiotheitol has been corrected in claims 2, 13 and 28.

Claims 1-8 and 10-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Bachman et al. This ground of rejection is respectfully traversed. Buchanan et al. teaches a method for decreasing allergenicity and increasing digestibility of disulfide proteins. The present claims 1-8 and 10-11, however, recite a method of reducing caking of a proteinaceous animal feedstuff product during storage or transport, and claims 12-27 recite a composition used to reduce caking of a proteinaceous animal feedstuff product during storage or transport. The caking of proteinaceous animal feedstuff products is a complex, poorly understood process that can be due to many factors. It is recognized that caking could be due to several components undergoing changes during the fermentation and drying processes such as starch gelatinization, retrogradation, and Maillard product formation (browning), and may also due to microbial/fungal

growth. There is no teaching in Buchanan et al. of anything with respect to the caking of proteinaceous products and there is no basis for applying the teachings of a method for reduced allergenicity and increased digestibility to decreased caking. Since Buchanan et al. do not disclose anything regarding caking of proteinaceous products, it is not a proper basis for rejecting claims 1-8 and 10-27 under Section 102(b). Reconsideration and withdrawal of the 102(b) rejection is respectfully requested.

Claims 1-28 are rejected under 35 U.S.C. Section 103(a) as being obvious over Prusiner et al. This rejection is respectfully traversed. The Prusiner et al. reference teaches a method of destroying and denaturing prions. The Examiner admits that this objective is different from the objective of the present invention as defined in the claims, but states that “the manner by which both the reference and the claimed invention go about achieving their respective stated result is actually the same; that of denaturing proteins contained in a proteinaceous product, by forming and applying a composition containing protein denaturants.” The Examiner then cites Ex parte Obiaya, stating that “[t]he fact that applicant may have recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability where the differences would otherwise be obvious.” The Ex parte Obiaya case is inapposite in the present case, however, because the caking of proteinaceous materials is, as recited above, due to many factors that are not all addressed by denaturing proteins. Denaturing proteins will not eliminate the problem of caking due to microbial or fungal growth, retrogradation, or gelatinization. There is nothing in the record which supports the statement that decreasing caking in a proteinaceous material, which may be due to a wide variety of diverse processes not involving denaturing of proteins, flows naturally from a reference which teaches the use of reducing agents to denature prions. In addition, the claims have been amended to more particularly point out that the material being treated is a proteinaceous animal feedstuff product in order to more distinctly claim the present invention over the Prusiner et al. reference. Reconsideration and withdrawal of the 103(a) rejection is respectfully requested.

Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching which would lead one skilled in the relevant art to combine the references in a manner which would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully

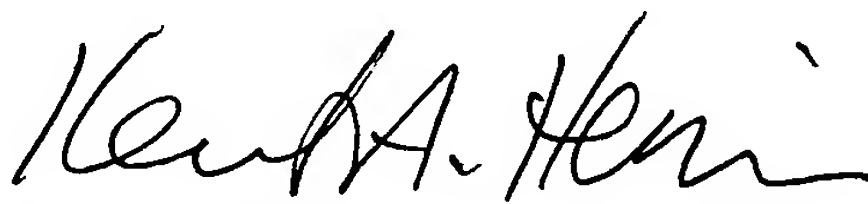
submits that the claimed invention, as amended, patentably distinguishes over the prior art, including the art cited merely of record.

Based on the foregoing, Applicant respectfully submits that its claims 1-23 and 25-28 are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

Date: 11 December 2006



Kent A. Herink
Registration No. 31,025
DAVIS, BROWN, KOEHN,
SHORS & ROBERTS, P.C.
666 Walnut St., Suite 2500
Des Moines, Iowa 50309
Telephone: (515) 288-2500

ATTORNEYS FOR APPLICANT